

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

QUESTIONS

No. 29

Wednesday, November 27 2002

Questions appear according to the date on which notice was delivered.
When a question has been answered it is removed from the postponed list.

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310. Hon Giz Watson to the Minister for Housing and Works

Further to my question without notice No. 329 -

- (1) Does the Department of Housing and Works pay for heritage work undertaken by portfolios other than the Housing and Work's portfolio?
- (2) If yes, why?
- (3) Does the Department of Housing and Works pay for Heritage work undertaken by the National Trust of Australia?
- (4) If not, why not?

311. Hon Giz Watson to the Minister for Housing and Works

Further to my question without notice -

- (1) Why does the Western Australian Heritage Council continue to play a role in the negotiation and approval of development applications in relation to Heritage places and properties?
- (2) Does the Government see any conflict of interest in the role of the Heritage Council in conserving Heritage places and properties and the negotiation and approval of development applications in relation to Heritage places and properties?

312. Hon Giz Watson to the Minister for Housing and Works

Further to my question without notice No. 329 -

- (1) What is the total proposed financial outlay by the Government for the Heathcote Lower Parkland project ignoring possible income from the part sale of the Heathcote property and other properties?
- (2) To which body, Department or other entity or entities is this money in (1) being paid?
- (3) Is the Government aware that the National Trust offered to undertake work on the Heathcote Lower Parkland and project at no cost to the Government?
- (4) If yes, why did the Government not commission the National Trust of Australia (WA) to do the work paid for in (1)?

313. Hon Dee Margetts to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services

With regard to the issue of a firebreak order by the Shire of Gingin on Swan Location 7807 East Lancelin corner Nilgen and Sappers Road which mainly comprises of a large area of high conservation value banksia woodland, and the imposition by the Environmental Protection Authority of clearing

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restrictions on the same land because it is adjacent to Nilgen Reserve where there is a remnant population of small mammals, including Dunnarts -

- (1) Can the Minister confirm that the reason the Shire of Gingin has issued the seven day firebreak order for the owner to clear firebreaks into four cells (or else the Shire will go in and do it themselves) is to force the owner to burn the entire property over the next four years, without taking into account the likely destruction of this high conservation habitat through clearing, weed invasion and erosion?
- (2) Given that 2/3 of the property was burnt four years ago, and the owner has been required to submit a planned burning programme as recommended by FESA, who will ensure that the faunal habitat is protected to the standard required by the EPA when the Shire clearly does not have this ability?
- (3) Given that the recovery from fire for a remnant small native mammal population is about 15 years will the draft preliminary guidelines on prescribed burning (see question without notice Nos 1166 and 1148) take into consideration minimum fauna recovery times?
- (4) If so, how will Shires such as the Shire of Gingin be forced to comply?
- (5) If not, why not?
- (6) As there appears to be no legislation that requires the Shire of Gingin to consider the impact on important habitat by too-frequent burning, will the Minister be looking at a legal mechanism to ensure that this can be done?

314. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

With regard to access to the Yampire Gorge Road in the Karijini National Park -

- (1) Can the Minister advise how long the road was closed?
- (2) Why has the road remained closed?
- (3) When is it anticipated that the road will be reopened?

315. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

I refer to the Government's forum series advertised as the 'Community Forum for Water Conservation', and ask -

- (1) For what reason was no such forum conducted in Kununurra?
- (2) Did the Government at any stage intend to conduct such a forum in Kununurra?
- (3) If so, for what reason was the decision made not to conduct the forum?
- (4) If yes to (2), where was the forum advertised, and which groups had the Government contacted to assess the level of interest in the forum?

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316. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for the Environment and Heritage

- (1) Is the DEP aware of any incidents at the BHPB briquette shiploader at the Boodarrie Iron HBI/DRI plant in Port Hedland, occurring on or around November 8 2002?
- (2) If yes, will the DEP table a copy of the notification it received of the incident?
- (3) If yes to (1), what actions are proposed by the DEP and/or BHPB?

317. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

With reference to the \$135m the Government is reported to be paying for infrastructure assistance on the Burrup Peninsula -

- (1) Will the Minister give a breakdown of how the \$135m will be spent?
- (2) How much has already been spent and on what has it been spent?
- (3) Is this expenditure conditional upon any undertakings by any particular corporations?
- (4) If yes, what are these undertakings and have they been met?

318. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

- (1) Is the Minister aware that the validity of mining leases with the standard no mining condition was challenged in *Serpentine-Jarrahdale Residents and Ratepayers Association Inc v Minister for Mines* [2001] WASC 203?
- (2) Does the Minister agree that the standard no mining condition is of questionable validity?
- (3) What, if anything, does the Minister intend to do about this issue?

319. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Health

I refer to Government's plans for the Paraburdoo Hospital, specifically any measures which may relate to reductions in staff or resourcing of the hospital, and ask -

- (1) Will the Minister state for the public record what his intentions are for this hospital in the near future?
- (2) What form of consultation has been undertaken with regard to these plans?
- (3) What is the proposed timeline for any changes to current arrangements at this hospital, planning or consulting?
- (4) Does the Minister intend to pursue any forms of public consultation on this matter in the future?
- (5) If so, what form will this consultation take?

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320. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

With regards to the Government's proposed *Nuclear Activities (Prohibition) Bill*, I ask -

- (1) How many Mining Leases exist that were granted before June 23 2002 and are leases over land with known uranium deposits?
- (2) How many Exploration Licences exist that were granted before June 23 2002 and are leases over land with known uranium deposits?
- (3) How many General Purpose Leases exist that were granted before June 23 2002 and are leases over land with known uranium deposits?
- (4) How many Miscellaneous Licences exist that were granted before June 23 2002 and are leases over land with known uranium deposits?
- (5) How many Retention Licences exist that were granted before June 23 2002 and are leases over land with known uranium deposits?
- (6) How many Mining Leases exist that were granted before June 23 2002 and are leases over land with known uranium deposits?
- (7) How many Mineral Claims are held for purposes associated with uranium exploration, mining or retention?
- (8) How many Temporary Reserves are in existence for the purpose of uranium related activity?
- (9) Will you identify these leases?
- (10) Will the proposed Bill prevent the mining of uranium on these leases?
- (11) If yes to (10), how?

321. Hon Robin Chapple to the Minister for Racing and Gaming representing the Minister for Training

I refer to the selection process for the position of Manager of Pundulmurra Campus of the Pilbara College of TAFE, and ask -

- (1) What process is the Minister following in seeking candidates for this position?
- (2) Given the former status of this campus as an Aboriginal College, and the large proportion of Aboriginal students studying at this campus, does the Minister consider it appropriate to involve appropriate Aboriginal people directly in the selection process?
- (3) For example, will the Minister consider consulting the Pundulmurra Indigenous Education Training Management Committee (PIETMC) (otherwise known as the Aboriginal Education Employment Training Committee) in the selection process?
- (4) If not, why not?
- (5) If yes to (2), how does the Minister intend to do this?

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322. Hon Robin Chapple to the Minister for Housing and Works representing the Minister for Energy

Western Power Corporation (WPC) used to publish its Average Unit Cost in cents per kilowatt hours (¢/kWh) which when last published by WPC in 'Annual Report and Environmental Review 2000' page 30 was 9¢/kWh -

- (1) Why is this important performance figure not published anymore?
- (2) Have WPC's average unit costs increased since this figure was last published?
- (3) Will the Minister commit WPC to regular publication of this figure henceforth?

323. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a file note which I understand is dated February 26 1993 signed by Murray Meaton, Acting Assistant Director General addressed to eight Director's of the Department of Minerals and Energy titled 'Coalition Government Policy' and the attached papers and summary -

- (1) Can the Minister specifically state what was done by the Department when the Coalition Government was in power to 'investigate ways of treating prospectors ore'?
- (2) If no to (1), why not?
- (3) Can the Minister specifically state what was done by the Department when the Coalition Government was in power 'to work out in conjunction with the private sector, a means by which all prospectors ore can be treated at a reasonable price' and was this thoroughly pursued by the Department to ensure that all prospectors ore could be treated at a reasonable price?
- (4) If no to (3), why not?
- (5) In relation to a Code of Conduct for explorers wishing to access private land did Mr Roy Burton prepare a letter for consideration by the Minister suggesting an approach to the Chamber of Mines and WA Farmers' Federation offering assistance by the Department of Minerals and Energy?
- (6) If yes to (5), will the Minister table a copy of that letter?
- (7) If no to (5), why not and what was specifically done in relation to this matter?
- (8) Will the Minister provide me with a copy of the Code of Conduct for explorers wishing to access private land?
- (9) If no to (7), why not?
- (10) In relation to investigating alluvial leases did Mr Roy Burton's paper address this issue?
- (11) If no to (10), why not and specifically what was done about this matter?
- (12) If yes to (10), will the Minister provide me with a copy of Mr Roy Burton's paper?

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324. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a file note which I understand is dated October 18 1990 signed by Mr Hugh Jones to the Director General of Mines titled 'Kalgoorlie Consolidated Gold Mines Pty Ltd - Waste Dump Proposal' -

- (1) Is it correct that part of the file note states 'If the full bond is not set then the questions arises as to what bond is reasonable. This is in many ways a political rather than technical decision and figures of \$500 000 and \$1 000 000 come to mind. Given the area of disturbance by the consolidated operation I believe that any figure less than \$500 000 is unacceptably low, while the magic million could be considered by the industry (particularly KCGM) as too high, particularly at a time when the gold sector is faced with its loss of exemption from corporate tax and a lower gold price. For any figure significantly over \$1 000 000 it would be difficult to justify not requiring the full bond'?
- (2) If yes to (1), can the Minister explain why the Department was of the view that this was a political decision rather than a technical decision?
- (3) If no to (1), what does part of the file note state?
- (4) Will the Minister table a copy of this file note?
- (5) If no to (4), why not?
- (6) Can the Minister explain why does the Department consider such matters as the gold sector faced with its loss of exemption from corporate tax to be relevant for the Department calculating KCGM's environmental bond?
- (7) If no to (6), why not?
- (8) Can the Minister explain why does the Department consider such matters as a lower gold price relevant for the Department calculating KCGM's environmental bond?
- (9) If no to (8), why not?
- (10) Can the Minister explain the reasons why for any figure significantly over \$1 000 000 it would be difficult to justify not requiring the full bond?
- (11) If no to (10), why not?

325. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter which I understand is dated May 23 1988 signed by Ian Loxton, Regional Mining Engineer addressed to Acting Manager, Environment and Rehabilitation, Department of Mines titled 'Notice of Intent- Dallhold Resources Management Pty Ltd, Construction of Tailings Dam, Satellite Roaster Plant' -

- (1) Is it correct that part of the letter states, 'Comment 1 of Mr Griffith's report should be carefully studied as I am of the opinion that monitoring bores are not going to serve any useful purpose'?

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- (2) If yes, can the Minister explain why the Department was of the view that monitoring bores were not going to serve any useful purpose?
- (3) If no to (1), what does it in part state?
- (4) Can the Minister state how many in number of monitoring and production bores for seepage from the tailings dam have been installed as of November 2002?
- (5) If not, why not?
- (6) Can the Minister state what is the purpose of having monitoring bores and production bores installed around any tailings dam?
- (7) If not, why not?

326. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a briefing note to the Hon Minister which I understand was signed by D R Kelly, Director General of Mines dated December 18 1991 titled 'Fimiston Stage 11 - Mine and Waste Dumps' -

- (1) Is it correct that part of the briefing note states, 'If the Fimiston phase II operation was a 'greenfields project', the Unconditional Performance Bond would be calculated on the basis of \$5 000 per hectare of ground disturbed during the first year of operation. However as the proposal applies to ground that has been continuously worked for 100 years, that approach is not considered appropriate'?
- (2) If yes, has the Department since December 1991 applied this same approach to all prospectors and smaller companies operations who have been working ground which has been virtually continually worked for 100 years throughout the Eastern Goldfields and state of Western Australia?
- (3) If no to (1), what does it in part state?
- (4) Is it correct that part of the briefing note states, 'One alternative approach would be to establish a bond on the basis of the total ground to be disturbed during the life of the operation. KCGM's own figures in the CER indicate that they will disturb a total of 1785.1ha of which 1447.9ha would comprise ground normally considered rehabilitate and therefore included in the calculation of an Unconditional Performance Bond. The only ground not considered rehabilitate would be the pits themselves which comprise 327.2ha. On this basis, at a rate of \$5000 per ha, the company would be expected to establish a bond of \$7m and we consider that to be an unrealistically large figure'?
- (5) If yes to (4), can the Minister explain the reasons why the Department considered it to be an unrealistically large figure?
- (6) If no to (4), what does it in part state?
- (7) Is it correct that part of the briefing note states, 'It should be noted that a Bond for \$492 000 is currently held for tailings dams associated with KCGM's operations so that the total bond held for KCGM Super Pit project would then be \$1 025 000'?
- (8) If yes to (7), how many years was this total figure of \$1 025 000 in place?

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- (9) What is the current total figure of bonds in place for the Super Pit Operations?
- (10) Can the Minister state how the Departmental approach for the third option bond figure was derived at?
- (11) If no to (9), why not and will the Minister table a copy of this briefing note?
- (12) Has the Departmental approach for the third option bond figure been consistently applied to all other mining companies/prospectors operations throughout the state since December 1991?
- (13) If no to (11), why not and why has KCGM received this special treatment over and above all other mining companies and prospectors throughout the State?
- (14) If yes to (11), can the Minister name five companies and five prospectors who have had this same approach applied?

327. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a newspaper article titled 'Growing focus on life after mining' which appeared in the *Kalgoorlie Miner* newspaper, Saturday, November 23 2002 pages 21 and 23 -

- (1) Is it correct that Mr Bill Biggs from the Department of Mineral and Petroleum Resources defends the Department against comments that it is under funded and does not have the resources to check on rehabilitation work, instead relying on a system of self-reporting?
- (2) If yes to (1), can the Minister explain the specific reasons why it is not under funded and does the Department have the resources to thoroughly check on all rehabilitation and carry out detailed and thorough investigations/inspections on breaches of the *Mining Act* and Regulations?
- (3) If no to (1), why did Mr Bill Biggs state what he did to the *Kalgoorlie Miner* newspaper?
- (4) Can the Minister explain what Mr Bill Biggs means when he has stated 'The grapevine is good too. There are not too many cases where something happens we don't find out about'?
- (5) If no to (4), why not?
- (6) Is it correct that the Department of Mineral and Petroleum Resources (DMPR) pursues a non prosecution policy, pressuring miners to fix any breaches of their obligations and issuing stop work orders on sites if work is not carried out?
- (7) If yes to (6), on what date did the DMPR commence this non-prosecution policy?
- (8) Can the Minister state how the DMPR specifically pressure miners to fix any breaches of their obligations?
- (9) If no to (8), why not?
- (10) Can the Minister state how many stop work orders have been issued and to whom in the last five years?
- (11) If no to (10), why not?
- (12) Can the Minister state how many in number are the companies that need to put more work in?

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(13) If no to (12), why not?

328. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter dated September 4 2002 reference 9819, 14085 and 14680 signed by Clive Brown, Minister for State Development -

- (1) Can the Minister explain whether any other items or equipment apart from the orange drum that were being stored by KCGM employees/contractors in the sheds and facilities within 100 metres of 7 Williamstown Road were considered by the Department of Mineral and Petroleum Resources as part of the complaint?
- (2) If no to (1), why not?
- (3) Is it correct that the Departmental inspector who visited the Mt Charlotte site left his vehicle near the front gate and was driven in by a company vehicle around on the site by the KCGM manager/supervisor?
- (4) If no to (3), can the Minister explain how the inspection was carried out and specifically what areas were visited by the inspector?
- (5) If yes to (3), why did this occur as opposed to the inspector driving in his vehicle, and then proceeding on foot to where he specifically wanted to inspect certain operations or facilities?
- (6) Did the Departmental inspector take any photographs of what was being stored in the sheds and other facilities within 100 metres of 7 Williamstown Road?
- (7) If no to (6), why not?
- (8) If yes to (6), how many photographs were taken and what do the photos depict?
- (9) Did the Departmental inspector carefully and thoroughly observe any evidence of ground disturbance near the sheds and other facilities within 100 metres of 7 Williamstown Road to indicate that these sheds and facilities are being used by KCGM employees/contractors to store various items of mining equipment?
- (10) If no to (9), why not?
- (11) Can the Minister explain how many months' delay there was in responding to the complainant's initial letter of complaint?
- (12) Why did it take so long for the Minister to respond in writing to some of the concerns raised?
- (13) If no to (11), why not?

329. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter of complaint dated November 17 2002 concerning dust and noise from a resident living at 39 Brownhill Road, Kalgoorlie concerning Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), Barrick Mines and Newmont Mining three conveyor systems at the Mt Charlotte mine -

- (1) Has the Department of Mineral and Petroleum Resources received the above letter?

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- (2) If yes to (1), on what date was it received?
- (3) Is it correct that the above letter in part states 'Also the dust that comes out of the Mt Charlotte when the conveyor is running is a problem. The dust drifts all over the place, and when there is no breeze it just hangs in the air for hours. It goes all over everything in the house. I would like you to do something about this conveyor because my medical condition means I have to be able to get rest, but I can't do that when the conveyor is so noisy and dusty'?
- (4) If no to (3), what does the letter in part state?
- (5) Will the Minister or the Department of Mineral and Petroleum Resources now direct KCGM in writing to make sure that water sprays on all three conveyors are switched on (at all times including in the evening, early morning and on weekends) prior to the starting up of any of the three conveyor systems in the area?
- (6) If no to (5), why not?
- (7) Will the Minister or the Department of Mineral and Petroleum Resources write to KCGM asking them to reduce the noise coming from rocks falling from the three conveyor systems?
- (8) If no to (7), why not?
- (9) Do all of the three conveyor belt systems have water sprays installed on them?
- (10) If no to (9), why not?
- (11) Can the Minister state both how many tonnes per hour and tonnes per 24 hr/day of dirt/rock is being conveyed and deposited in the Mt Charlotte area by the three conveyor belt systems in place?
- (12) If no to (11), why not?

330. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter (with supporting evidence enclosed) dated August 28 2002 from the Williamstown Residents Committee addressed to Hon Clive Brown MLA, Minister for State Development titled 'Incorrect and Misleading Information provided by the Department of Mineral and Petroleum Resources' -

- (1) Has the Minister's office received the above letter?
- (2) If yes to (1), on what date was it received?
- (3) Has the Department of Mineral and Petroleum Resources provided incorrect and misleading information to the Minister and the Parliament with respect to questions on notice No. 381 of December 19 2001 and No. 526 of March 21 2002?
- (4) If no to (3), why not?
- (5) Will the Minister now request or ask the Department of Mineral and Petroleum Resources to make a written apology to the Williamstown Residents Committee?
- (6) If no to (5), why not?

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- (7) Will the Minister or some person very senior, instigate or take serious disciplinary action against Departmental officers who have been providing incorrect and misleading information/advice to the Minister and the Parliament for questions on notice No. 381 of December 19 2001 and No. 526 of March 21 2002?
- (8) If no to (7), why not?
- (9) Can the Minister now provide the correct clear and objective answers for all the questions for question on notice No. 381 of December 19 2001 and No. 526 of March 21 2002?
- (10) If no to (9), why not?
- (11) Will the Minister allocate the time for a meeting as requested with the respective persons in the letter to gauge how serious the problem is with the Department, so that appropriate measures can be put into place to clearly put a stop to this from re-occurring?
- (12) If no to (11), why not?
- (13) Can the Minister state what is the penalty for Departmental officers providing incorrect and misleading information to the Minister for answers to parliamentary questions or in briefing notes to the Minister in response to complaints from members of the public?
- (14) If no to (13), why not?

331. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer a letter dated August 8 2002 sent and addressed to Hon Clive Brown, MLA, Minister for State Development from Mr K Bartle, Kalgoorlie -

- (1) Has the Minister's office received the above letter?
- (2) If yes to (1), on what date was it received?
- (3) Can the Minister explain why it has taken well over three months and as of November 18 2002 Mr Bartle has not received a written response from the Minister addressing all of the concerns raised in the letter?
- (4) If no to (3), why not?
- (5) Will the Minister now respond to all to concerns raised in the letter dated August 8 2002?
- (6) If no to (5), why not?

332. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to the construction of a 2.4km realigned section of the Goldfields Highway, known locally as the Eastern Bypass Road, south of the Cruickshank Sports Arena in Kalgoorlie-Boulder -

- (1) Is it correct that fenced mine shafts carrying signs stating 'Danger Old Mine Workings Keep Well Clear' are situated on or in very close proximity to the route of the realigned Eastern Bypass Road?

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- (2) If no to (1), what do the signs state?
 - (3) Is it correct that some of these mine shafts are in the centre or very close to the centre of what will be the realigned Eastern Bypass Road?
 - (4) If no to (3), where exactly in relation to the realigned eastern bypass road are these mineshafts located?
 - (5) If yes to (1) and (3), what has the Department of Minerals and Petroleum Resources specifically done to ensure -
 - (a) that the new road is safe from these old mine shafts and underground workings; and
 - (b) that the motoring public are safe from the potential collapse of these mineshafts and any underground-interconnected workings at any point in the future?
 - (6) Has the Department of Minerals and Energy mapped and been underground at any of these old mine shafts situated on in very close proximity to the route of the realigned eastern bypass road to investigate and assess the dangers or hazards posed to the eastern bypass road?
 - (7) If no to (6), why not?
 - (8) Has the Department of Mineral and Petroleum Resources investigated any old Departmental records of the depth and the underground horizontal extent of these old mine shafts with underground workings which are situated on and in very close proximity to the route of the realigned eastern bypass road realignment?
 - (9) If no to (8), why not?
 - (10) If yes to (8), what are the specific depths in metres of these old mine shafts and what extent in metres underground horizontally do these old workings extend to?
333. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

I refer to the construction of a 2.4km realigned section of the Goldfields Highway, known locally as the Eastern Bypass Road, south of the Cruickshank Sports Arena in Kalgoorlie-Boulder -

- (1) Has a geo-technical study been carried out in relation to the realignment of the eastern bypass road?
- (2) If yes to (1), what is the name, date of the report when completed and will the Minister table a copy?
- (3) If no to (1), why not given the enormous importance of having it completed for planning purposes before work has started on the bypass road?
- (4) Is it correct that fenced mine shafts carrying signs stating 'Danger Old Mine Workings Keep Well Clear' are situated on or in very close proximity to the route of the realigned Eastern Bypass Road?
- (5) If no to (1), what do the signs state?
- (6) Is it correct that some of these mine shafts are in the centre or very close to the centre of what will be the realigned Eastern Bypass Road?

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- (7) If no to (6), where exactly in relation to the realigned eastern bypass road are these mineshafts located?
- (8) If yes to (4) and (6), what has the Mains Roads Department specifically done to ensure -
 - (a) that the new road is safe from these old mine shafts and underground workings; and
 - (b) that the motoring public are safe from the potential collapse of these mine shafts and any underground interconnected workings at any point in the future?

334. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a Ministerial briefing note which I understand is dated July 2 1999 signed by the Director General, Lee Ranford titled 'Letters from Mr Brian Hounslow concerning KCGM's Mt Charlotte Operations, Section (20)5 of the *Mining Act*- 100m Protection Zone' -

- (1) Is it correct that part of this Ministerial briefing note states 'Water Damage - the Hounslow property is below road level and due to inadequate road drainage flooding occurred May 1998 and after heavy rains. Mr Hounslow has complained that tailings have washed off the mining lease and that this material has been deposited in his property. Regulation 98 provides that a tenement holder shall not allow detritus, dirt, sludge, mine water or pollutant from a tenement to become an inconvenience to the public. The Company has advised that there are no tailings in the Mt Charlotte area of the lease...'?
- (2) If no to (1), what does it specifically in part state?
- (3) If yes to (1), can the Department of Mineral and Petroleum Resources explain why it has provided incorrect and misleading advice without thoroughly checking or investigating the veracity or accuracy of statements made by KCGM which has then be put in briefing notes to the Minister, given that there is clearly tailings in the Mt Charlotte area of the lease in relative close proximity to Mr Hounslow's residence?
- (4) Can the Minister state what is the specific penalty for any person providing incorrect and misleading information to the Department of Mineral and Petroleum Resources?
- (5) If no to (4), why not?
- (6) Will the Department of Mineral and Petroleum Resources prosecute Kalgoorlie Consolidated Gold Mines Pty Ltd for providing incorrect and misleading information in relation to a resident's complaint concerning various breaches of the *Mining Act* and Regulations?
- (7) If no to (6), why not?
- (8) Irrespective of the answers to parts (6) and (7), will the Department of Mineral Petroleum Resources write to KCGM advising them under no circumstances will the Department tolerate any person providing incorrect and misleading information to the Department or to the Minister in relation to any complaints made against the company?
- (9) If no to (8), why not?

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(10) Will the Department of Mineral and Petroleum Resources provide Mr Hounslow with a written apology for providing incorrect and misleading information to the Minister in relation to a series of complaints he made against KCGM under the *Mining Act* and Regulations?

(11) If no to (10), why not?

335. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to the report titled 'Ministerial Inquiry into Greenfields Exploration in Western Australia' November 2002 which was chaired by John Bowler MLA, Member for Eyre -

(1) Will the Department of Mineral and Petroleum Resources with urgency produce guidelines for the grant and refusal of exemptions applications and rigorously apply these guidelines with a clear specific emphasis that a tenement holder unable to explore for or exploit mineral resources of a tenement should give way for some other person to do so, so that the guidelines clearly discourage a tenement holder from going to sleep on his rights and obligations to spend money as part of their expenditure conditions or to simply apply for an exemption unless under extreme exceptional circumstances?

(2) If no to (1), why not?

(3) If yes to (1), when will these guidelines be completed?

(4) Can the Minister explain how the method of granting combined reporting groups (project status) is sterilising land?

(5) If no to (4), why not?

(6) Will the Minister clearly reject the proposed bond system on complaints so as complaints are clearly and actively encouraged by the Minister and the Department to ensure that tenement holders are actively, and genuinely exploring and mining their mining tenements which essentially means spending money both locally and regionally for the tenements concerned so as the resources of the State are managed in a proper and efficient manner for the benefit of all in the State?

(7) If no to (6), why not and how much in terms of dollar value will be gained for bonds on complaints for money spent on the tenements throughout the State?

(8) Can the Minister state how many complaints for expenditure conditions in total throughout the State were lodged for each of the respective years from 1991 through to 2002?

(9) If no to (8), why not?

(10) Is it correct that part of the report states 'The reintroduction of section 23PA into the *Tax Act*. The removal of this tax exemption that applied to the sale of mining tenements by bona-fide persons has had a huge impact on prospectors. This tax incentive was put in place to encourage prospectors to do what they do best, and that is carry out greenfields exploration. An independent Federal Inquiry into this exemption recommended it be maintained; yet in 1996 the Federal Government saw fit to remove it. It is suggested that the Government revisit this incentive, but tighten up on its use'?

(11) If yes to (10), will the Minister lobby the Federal Government on this issue?

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336. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to the report titled 'Ministerial Inquiry into Greenfields Exploration in Western Australia' November 2002 which was chaired by John Bowler MLA, Member for Eyre, and the second edition book 'Mining Law in Western Australia' -

- (1) Is it correct that 'The Department does not have the adequate resources to police the expenditure conditions. It can monitor compliance by reviewing expenditure reports but it is unable to inspect all tenements or to even to examine in any detail reports on work claimed to have been done and expenditure claimed to have been incurred'?
- (2) If yes to (1), will the Minister and the Department of Mineral and Petroleum Resources specifically allocate the adequate and sufficient resources so that for expenditure reports, work claimed to be done and expenditure claimed to have been incurred is clearly and diligently checked for accuracy and authenticity by the Department?
- (3) If no to (1), why is it that Dr Kelly, previous Director General of the Department of Minerals and Energy gave a foreword at the start of the book in part stating 'Mining Law in Western Australia has proved to be a very useful reference book for those actively involved in the mining industry. This second edition comes at a time when the *Mining Act 1978* has seen a decade of operation, and incorporates an explanation of changes that have been made and the reasons for them. Once again I congratulate Michael Hunt and Michael Lewis on the second edition of their concise and readable commentary on the Mining Laws of Western Australia'?

337. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to the Report page 112 titled 'Ministerial Inquiry into Greenfields Exploration in Western Australia' November 2002 which was chaired by John Bowler MLA, Member for Eyre -

- (1) Is it correct under the heading 'General Incentives to Encourage Exploration' it in part states 'Provide rewards for small players; for example in the early days prospectors were rewarded when they discovered new mineral deposits. Establish more selection 57(4) exploration licence 'exclusion zones' so that more prospectors can access land'?
- (2) If yes to (1), -
 - (a) what specific rewards is the Minister and the Department of Mineral and Petroleum Resources specifically going to provide to small players, prospectors in the industry; and
 - (b) will the Minister or the Department immediately extend the number of exclusion zones for exploration licences so that more prospectors can access land?

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338. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to the Report titled 'Ministerial Inquiry into Greenfields Exploration in Western Australia' November 2002 which was chaired by John Bowler MLA, Member for Eyre -

- (1) Is it correct that on page 111 of the Report under a heading of 'Ground Turnover Recommendation' it in part states 'The *Mining Act* provisions should be rigorously enforced'?
- (2) If yes to (1), what is the Minister and the Department of Mineral and Petroleum Resources specifically going to do to rigorously enforce the Mining Act provisions?
- (3) If no to (2), what does it state?
- (4) Is it correct that part of the Report states 'Expenditure exemption should be granted only in exceptional circumstances'?
- (5) If yes to (4), what actions and policy is the Minister and the Department of Mineral and Petroleum Resources going to take to most thoroughly ensure that expenditure exemptions are only granted in exceptional circumstances as opposed to the current practice of very wide circumstances?
- (6) Can the Minister advise what specific actions the Department of Mineral and Petroleum Resources will be taking to ensure that Tenement holders do not take up more land than they can effectively explore within a reasonable time and how will this be strictly enforced by the Department?
- (7) If no to (6), why not?
- (8) Will the Minister ensure that more than adequate resources are given to the Department so that Form 5's can be rigorously and thoroughly audited to ensure that persons/companies are genuinely physically working their tenements providing a benefit to all regional and local communities in terms of money being actually spent?
- (9) If no to (8), why not?
- (10) Is it correct that the policy of the *Mining Act* is that a tenement holder unable to explore for or exploit mineral resources of a tenement should give way for some other person to do so?
- (11) If yes to (10), what specifically is the Minister and the Department of Mineral and Petroleum Resources going to do to ensure a tenement holder is forced or in some specific way obligated by statute to give way for some other person to do so that exploration and mining is clearly encouraged?

339. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Indigenous Affairs

I refer to question without notice No. 1034 of Wednesday, May 15 2002 and answers provided -

- (1) Does the Minister still stand by his answer to question (1)?
- (2) If yes to (1), how does the Minister justify the answer that residents were not adversely affected by the granting of the mining lease 26/261 to Dallhold Investments Pty Ltd and others

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given mining activities in the vicinity caused environmental health concerns leading to the closure of reserve 24574 for habitation?

(3) If no to (1), why not?

340. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for Indigenous Affairs

I refer to question without notice No. 1048 of Thursday, May 16 2002 and answers provided -

- (1) Given aboriginal residents of Reserve 24574 had to be relocated because of environmental concerns caused by mining activities in the vicinity, why did the mining leaseholders Dallhold Investments Pty Ltd and others, not assist with relocation costs?
- (2) Can the Minister explain what exactly was the alleged contamination and where was the leakage coming from?
- (3) If no to (2), why not?
- (4) Is it correct that the mining company dumped waste rock or mullock right up to the boundaries of the Reserve 24574?
- (5) If no to (4), how far in metres did the company dump waste rock or mullock dirt up to the reserve boundaries?
- (6) Has Dallhold Investments Pty Ltd, others or Kalgoorlie Consolidated Gold Mines Pty Ltd in the last ten years dumped waste rock or mullock encroaching onto Reserve 24574 near the Reserve boundaries?
- (7) If no to (6), then who has?
- (8) Has Kalgoorlie Consolidated Gold Mines Pty Ltd dumped waste rock or dirt damaging part of a fence which runs along part of the Reserve boundary?
- (9) If yes to (8), will they be prosecuted?
- (10) If no to (8), then who has?

341. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a Ministerial Statement dated Tuesday, November 26 2002 from Hon Ken Travers MLC, Parliamentary Secretary to the Minister for State Development, Tourism, Small Business concerning the Cooke Review and the Mines Department -

- (1) Can the Minister provide a list of all of the specific number of previous occasions, the question number and specific answers which were subsequently found to contain minor factual inaccuracies?
- (2) If no to (1), why not?
- (3) Can the Minister state for each question which contained minor factual inaccuracies how it was established it was not relevant to the substantive issue raised by the question?

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- (4) If no to (3), why not?
- (5) Can the Minister state specifically, was it the Department, the Minister's office or whoever who investigated to determine the minor factual inaccuracies were not relevant to the substantive issue raised by the question?
- (6) If no to (5), why not?
- (7) Can the Minister state what is the purpose of having the Cooke review, supposedly a Ministerial appointed review, to investigate and review matters with evidence, given it has been stated 'the Minister will promptly investigate the matters raised and if it is necessary, report to Parliament'?
- (8) If no to (7), why not?
- (9) Does the Minister trust and have confidence in Mr Tony Cooke to carry out the review and make a report, given it has been stated 'as soon as such information is received the Minister will promptly investigate the matters raised ...'?
- (10) If no to (9), why not and why was Mr Cooke appointed to conduct the review?

L B MARQUET

Clerk of the Legislative Council